

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-8 are pending in the present application. Claims 4-8 are added by the present Response.

As an initial matter, Applicant thanks the Examiner for entry and consideration of the previous Response filed April 19, 2005.

**Rejection under 35 U.S.C. § 103**

In the outstanding Official Action, claims 1-3 were rejected under 35 U.S.C. § 103(a) in view of FIG. 1 of the present application (herein "AAPA"), Japanese Laid-open Patent Publication 2002-250388 to ARISAKA (herein "ARISAKA") and Korean Patent Publication No. 2002-045110 to HWANG (herein "HWANG"). This rejection is respectfully traversed, at least because the combination of AAPA, ARISAKA and HWANG, as suggested by the outstanding Office Action, would violate the principles of operation of AAPA and ARISAKA, and therefore is improper.

Independent claim 1 recites, *inter alia*,

... a fixing member formed of a plastic material and fixed to the rear part of the glove box by screws, the fixing member having a fitting protrusion formed unitarily and in one piece with the fixing member at one side of the fixing member; and

a damper having a fitting piece extending from one exterior side thereof, the fitting protrusion being fitted in the fitting piece of the damper so that the damper is

fixed to the fixing member.

As a result, instability of the glove box may be prevented when the glove box is locked, and the damper may be fixed to the fixing member without additional fixing parts. Further, assembly may be made easier, with reduced manufacturing cost of the damper assembly (see the specification at page 7, lines 18-23).

In contrast, as acknowledged at page 2, item 2 of the outstanding Office Action, FIG. 1 of AAPA does not disclose "a fitting protrusion formed unitarily and in one piece with the fixing member at one side thereof," as recited in amended independent claim 1.

To remedy this acknowledged deficiency in AAPA, the outstanding Office Action proposes to combine AAPA with teachings from ARISAKA, and compares the "damper" recited in pending independent claim 1 to both the damper 15 of AAPA and the rotating body 2 of ARISAKA. However, such a combination of AAPA and ARISAKA is improper, at least because substitution of the rotating body 2 of ARISAKA would violate the principle of operation of AAPA (and *vice versa*), and thus there would be no motivation to make such a combination, and therefore a *prima facie* case of obviousness has not been set forth.

In particular, the damper 15 shown in FIG. 1 of AAPA is positionally fixed, and cannot rotate relative to the bracket 13 once connected thereto by the fixing pin 16. In contrast, however, ARISAKA discusses a housing 1

to which a rotating body 2 is fitted. As shown in FIGS. 4 and 6 of ARISAKA, for example, the rotating body 2 must rotate about the spindle 4 when acted upon by the rack 11 as the lid L1 is opened or closed.

Therefore, the principle of operation of ARISAKA—*i.e.*, a rotating body 2 rotatably connected to a spindle 4 and which rotates about the spindle 4 when acted upon by a rack 11 connected to a lid L1—would be violated if the rotating body 2 of ARISAKA were substituted by the damper 15 of AAPA rigidly fixed to a bracket 13, because the rigidly fixed damper 15 would be unable to rotate.

Conversely, the principle of operation of AAPA—*i.e.*, an air-filled damper 15 rigidly connected to a bracket 13—would also be violated if the air-filled damper 15 of AAPA were substituted by the rotating body 2 of ARISAKA (which only provides a dampening effect when rotating), at least because the non-air-filled rotating body 2 in such a configuration would not be induced to rotate and thus, would provide no resistance to the opening or closing of a glovebox. Thus AAPA and ARISAKA, if combined in the manner suggested in the outstanding Office Action, would each mutually violate the other's principle of operation, and therefore such combination is improper.

The combination of the teachings of AAPA and ARISAKA would further violate the principle of operation of ARISAKA at least because the rotating member 2 of ARISAKA is shown to fit fully within the housing 1

such that the rotating member 2 can rotate about a spindle 4 inserted within the central hole 8. However, in contrast, FIG. 1 of AAPA shows that the air damper 15 has a protruding fitting piece that extends outward from the air damper 15, and to which the air damper 15 is attached to the fixing member 22 via the fitting protrusion 23. Even assuming *arguendo* that the rotating member 2 can properly be compared to the air damper 15 of AAPA, if the rotating member 2 of ARISAKA were modified so as to have a protruding fitting piece as shown in FIG. 1 of AAPA, then the rotating member 2 would not be able to fit within the housing 1 and moreover, the rotating member 2 having such a protruding fitting piece would be unable to rotate (and thus unable to dampen the rate at which a glove box lid opens or closes).

Moreover, modifying AAPA in view of ARISAKA, as suggested in the outstanding Office Action, would further violate the principle of operation of AAPA in that the housing 1 of ARISAKA is necessarily attached to a side of a glovebox B1 (see FIG. 4 of ARISAKA, for example), in order for the rack 11 to appropriately engage the rotating body 2 and resist the opening or closing of the lid L1; however, if AAPA were modified such that the housing 1 of ARISAKA were mounted on the rear part of the glovebox 11 shown in FIG. 1 of AAPA, no air resistance would be provided by the rotating body 2 attached to the housing 1 mounted on the rear part of the glovebox 11. Furthermore, no rotation of the rotating body 2 would be induced by the

opening or closing of the glovebox 11. Therefore, AAPA and ARISAKA would further each violate the principle of operation of the other, at least for these additional reasons; and "a fitting protrusion formed unitarily and in one piece with the fixing member at one side thereof," as recited in amended independent claim 1, is thus not disclosed by any proper combination of the teachings of AAPA and ARISAKA (even assuming *arguendo* that AAPA and ARISAKA could be combined in the manner suggested in the outstanding Office Action).

Also, HWANG merely discusses a rubber damper body fitted around a support pin, but does not remedy the deficiencies noted above in regard to AAPA and ARISAKA. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been made because there would be no reasonable expectation of success, in view of at least AAPA and ARISAKA each mutually violating the principle of operation of the other; and it is therefore respectfully requested this rejection be withdrawn.

Claims 2 and 3, which depend from independent claim 1, also patentably distinguish over AAPA, ARISAKA and HWANG at least because of the additionally distinguishing features recited therein, as well as because of their dependence on independent claim 1 for the reasons set forth above.

With regard to the rejection of dependent claim 3, for example, neither AAPA, ARISAKA nor HWANG, either singly or in any proper

combination thereof, disclose a fitting protrusion having a broad end that "passes completely through the opening of the fitting piece of the damper," as recited in pending claim 3. Rather, although the outstanding Office Action asserts that the fixing pin 16 of AAPA corresponds to the fitting protrusion recited in pending claim 3, the flat screw head of the fixing pin 16 cannot pass through any opening in the damper 15, as shown in FIG. 1 of AAPA, and thus AAPA does not disclose a fitting protrusion that can pass "completely through the opening of the fitting piece of the damper," as recited in pending claim 3. Accordingly, as AAPA does not teach each of the features recited in pending claim 3, the rejection of pending claim 3 in view of AAPA should therefore be withdrawn at least for this additional reason.

Also, it is respectfully submitted there would have been no motivation for one skilled in the appropriate art to have combined the teachings of AAPA and ARISAKA, for the additional reason that AAPA specifically teaches away from ARISAKA. In particular, AAPA at page 2, line 20 through page 3, line 4, discusses that dampers disposed on the sides of glove boxes are problematic because the storage capacity of the glove box is decreased, and because the aesthetic appearance of the glove box suffers from the exposure of the damper from the gap between the instrument panel and the glove box. However, the housing 1 and rotating

body 2 discussed in ARISAKA are shown as necessarily disposed on the side of the glove box B1 (see FIG. 4 of ARISAKA, for example).

Accordingly, it is respectfully submitted that the combination of the teachings of AAPA and ARISAKA, as suggested in the outstanding Office Action, is even further improper because AAPA specifically teaches away from the side-disposed housing 1 and rotating body 2 of ARISAKA.

### **New claims**

In addition, new claims 4-8 are added to set forth the invention in a varying scope, and include new independent claims 5 and 7.

New independent claim 5 recites, *inter alia*, a “fitting protrusion being fitted in the fitting piece of the damper so that the damper is directly fixed to the fixing member without a further fixing structure fixing the fixing member to the damper,” which is supported at least in FIG. 2 and in the specification at page 7, lines 20-23.

Also, new independent claim 7 recites, *inter alia*, “the fitting protrusion including a tip portion extending longitudinally from an end of a shaft of the fitting protrusion, the tip portion having a diameter greater than a diameter of the shaft,” support for which is found at least in FIG. 2 and in the specification at page 6, line 20 through page 7, line 4; and further recites, *inter alia*, “the protruding fitting piece of the damper including a through hole, wherein the through hole is configured to receive the tip

portion of the fitting protrusion," which is supported at least in FIG. 2 and in the specification at page 7, lines 7-11. It is respectfully submitted the cited references do not disclose the features recited in new independent claims 5 and 7, and further that new independent claims 5 and 7 are patentable at least for reasons similar to those discussed above regarding independent claim 1, for example.

Further, new claims 4, 6 and 8, which depend from independent claims 1, 5 and 7, respectively, are supported at least in FIG. 2 and in the specification at page 3, lines 21-25; and new claims 4, 6 and 8 are believed to be patentable at least for reasons similar to those set forth above regarding independent claims 1, 5 and 7, from which new claims 4, 6 and 8 depend, as well as because of the additional distinguishing features recited therein. It is believed no new matter is added by new claims 4-8.

### **Conclusion**

Entry and consideration of the present Response and allowance of the present application and all of the pending claims therein are respectfully requested and are now believed to be appropriate. Applicant has made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in the present Response, and which have not been specifically noted as made to overcome substantive rejections in view of the cited art, should be

considered to have been made for a reason unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is respectfully invited to contact the undersigned at the below-listed telephone number.

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